

~~(4) Reclamation of fast land owned by a natural person and lost during the person's ownership of the land by erosion or avulsion to the extent of provable preexisting boundaries. The right to reclaim lost fast land relates only to fast land lost after January 1, 1972. The burden of proof that the loss occurred after this date is on the owner of the land; and~~

~~(5) Routine maintenance and repair of existing bulkheads, provided that there is no addition or channelward encroachment.~~

~~(B) A PERSON EXERCISING THEIR RIGHT TO MAKE IMPROVEMENTS INTO THE WATER IN FRONT OF THE LAND TO PRESERVE THAT PERSON'S ACCESS TO THE NAVIGABLE WATER UNDER SUBSECTION (A)(2) OF THIS SECTION MAY NOT EXTEND THE IMPROVEMENTS MORE THAN 25 FEET OVER VEGETATED PRIVATE WETLANDS IN THE ATLANTIC COASTAL BAYS CRITICAL AREA AS DEFINED UNDER TITLE 8, SUBTITLE 18 OF THE NATURAL RESOURCES ARTICLE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) Except as provided in subsection (b) of this section, this Act may not be construed to apply to the initial development of a planned unit development, as defined in § 5-1601 of the Natural Resources Article, and including a residential planned community:

(i) for which the following are issued prior to June 1, 2002:

1. a valid Step III approval in accordance with the current Worcester County Zoning and Subdivision Control Ordinance; and

2. at least 3 of the following State permits:

A. groundwater discharge or surface water discharge;

B. nontidal wetlands;

C. water quality certification; and

D. water appropriation; and

(ii) which is subdivided into recorded and legally buildable lots.

(2) The growth allocation for Worcester County's Atlantic Coastal Bays resource conservation area shall be reduced by an amount equal to the total acreage exempted under this subsection that is or would be located in a resource conservation area multiplied by 25%.

(b) (1) Except as provided in paragraph (2) of this subsection, if a planned unit development described in subsection (a) of this section includes an inland marina built after April 8, 2002:

(i) at least 85% of the dwelling units in the planned unit development shall comply with the buffer requirements in COMAR 27.01.09.01; and

(ii) no dwelling unit may have a buffer of less than 50 feet from existing or proposed tidal waters, tidal wetlands, or tributary streams.